

REMARKS/ARGUMENTS

Claims 32-40 and 43 are active. Claims 39 and 40 incorporate the limitations of Claims 41 and 42 which have been cancelled. No new matter has been introduced. The Applicants respectfully request that this after-final Amendment be entered by the Examiner to place this application in condition for allowance. The proposed amendments do not raise new issues or necessitate a new search by the Examiner since they are based on elements earlier claimed or inherent in the previously examined claims. Favorable consideration of this amendment and allowance of the case are now respectfully requested.

The Applicants thank Examiner Joike for her helpful remarks and suggestions with regard to placing this case in condition for allowance in the telephonic interview of July 2, 2009. It was suggested that the Applicants revise method claims 39 and 40 to refer to a method of making lactic acid. The Applicants agreed to review and consider such an amendment, which is herewith presented.

Rejection—35 U.S.C. §112, second paragraph

Claims 39 and 40 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. This rejection is moot in view of the amendments above.

Conclusion

In view of the amendments and remarks above, the Applicants respectfully submit that this application is now in condition for allowance. An early notice to that effect is earnestly solicited.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Thomas M. Cunningham", is written over a horizontal line.

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